

## WEST OXFORDSHIRE DISTRICT COUNCIL

### Minutes of the meeting of the **Standards Sub-Committee**

Held in the Committee Room 2, Witney at 2.00 pm on **Wednesday, 22 February 2023**

#### PRESENT

Councillors: Elizabeth Poskitt (Vice-Chair), Andrew Beaney, Norman MacRae MBE and Ruth Smith.

Officers: Susan Sale (Monitoring Officer) and Kate Seeley, Kate Seeley (Investigation and Enforcement Manager), Max Thompson (Senior Democratic Services Officer) and Michelle Ouzman (Democratic Services Officer).

Other Councillors in attendance: Ben Woodruff - Subject Councillor

Independent Person in attendance: Andrew Colling.

#### **13 Minutes of Previous Meeting**

The minutes of the meeting held on 18 July 2022 were approved and signed by the Chair.

#### **14 Apologies for Absence**

Apologies for absence were received from Councillor Luci Ashbourne and Councillor Andy Graham.

Councillor Ruth Smith substituted for Councillor Luci Ashbourne.

Councillor Elizabeth Poskitt who was Vice-Chair, Chaired the meeting in Councillor Luci Ashbourne's absence.

#### **15 Declarations of Interest**

There were no declarations of interest received.

#### **16 Exclusion of the Press and Public**

The Committee **Resolved** that:

- I. In view that the content to be discussed was in, or had been in the public domain, and because the public interest test did not outweigh the exempt material, the public were not excluded from the meeting for the remaining business.

#### **17 Determination of Allegation of Breach of the West Oxfordshire District Council Code of Conduct by a West Oxfordshire District Councillor**

The Sub-Committee considered the reports of the Monitoring Officer and the Investigating Officer to determine allegations that the Subject Councillor had breached the West Oxfordshire District Council's Code of Conduct for Members.

The Members of the Standards Sub-Committee followed the Standards Sub-Committee Procedure Rules approved for use at the meeting.

The Chair introduced the Committee Members, Independent Person, Officers, parties and their representative, to all attendees.

The Council's Monitoring Officer outlined the scope of the meeting, and laid out the order of the hearing, and stated that the posts themselves have not been denied by the Subject

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Councillor, so there were narrow issues in dispute. The Monitoring Officer reminded the Sub-Committee of the Human Rights Act, the need to act in accordance with the principles of natural justice, and the Subject Councillor's right to a fair hearing.

The Council's Investigating Officer outlined the report and explained each social media post which was being considered and determined as a breach of the Councillors Code of Conduct. Some of the posts were not original posts from the Subject Councillor but were a share/re post of content from elsewhere. Posts that had been reposted and shared without a reason, were left open to misinterpretation as no context has been placed on the reposted shared content. The Investigating Officer concluded that overall findings were that these posts and sharing of posts provided evidence that the Subject Councillor had a lack of awareness, of offending others.

The Subject Councillor requested information regarding when the complaints arrived and if they were of a similar nature. The Subject Councillor believed he was being politically targeted, and that the hearing was a waste of council time and money.

The Investigating Officer confirmed that there were four complainants from different email addresses that arrived in September 2023 and that a further complaint was received in October 2022 from another completely separate person. The Investigating Officer advised that only one complaint of this nature needed to be reported in order to investigate a breach, and therefore the number that had been received was deemed irrelevant.

Following the Investigating Officer's summary, the Chair opened up the meeting for questions from the Subject Councillor and his representative, the Independent Person and the Councillors on the Sub-Committee.

The Subject Councillor, and his representative, then had the opportunity to address the Sub-Committee. Then the Chair allowed questions of the Subject Councillor from the Investigating Officer, the Independent Person, and the Sub-Committee.

The Chair adjourned the Sub-Committee meeting and the Sub-Committee retired with the Independent Person and the Monitoring Officer to deliberate and determine the matter.

The meeting adjourned for 45 minutes, at the end of which, the Sub-Committee had reached a determination.

Upon the meeting resuming, the Chair informed those present that the Sub-Committee had considered all the evidence laid out in the original documentation report, listened to all parties' representations to them, and taken account of the legal advice and the views of the Independent Person.

The Monitoring Officer summarised the legal advice that had been given to the Sub-Committee during the adjournment. The Independent Person provided his views to all present, that he had shared with the Sub-Committee, during the adjournment, that he considered the Subject Member had breached the code of conduct.

The Sub-Committee concluded that the Subject Councillor had breached the provisions of the Member's Code of Conduct in respect of 6.1.1 (respect) and 6.2.3 (bullying).

The Sub-Committee invited the Investigating Officer to make representations about appropriate sanction. The Sub-Committee invited the Subject Councillor to make representations by way of mitigation. Then the Sub-Committee again adjourned to consider sanctions.

The Sub-Committee determined that sanctions should be imposed.

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The Sub-Committee also agreed that the Subject Councillor should be advised to exercise caution and consider wider, potential implications before posting, or reposting or sharing anything on social media.

The Sub-Committee **Resolved:**

1. That the subject Councillor had breached provisions 6.1.1 (respect) and 6.2.3 (bullying) of the Members' Code of Conduct, and that the following sanctions should be imposed:
  - a) The subject Councillor to be censured for breaching the Members' Code of Conduct.
  - b) The subject Councillor to attend a training session on Equality and Diversity Awareness within three months of the hearing;
  - c) The subject Councillor to attend a training session on the use of social media within three months of the hearing;
2. To recommend that the Council's Constitution Working Group considers a Social Media Policy at its meeting on 3 March 2023 and recommends its adoption to Council on 22 March 2023; and
3. To recommend that the Audit and Governance Committee considers an officer report on member training and development and that equality and diversity awareness training, and training on the use of social media, are made mandatory for all Councillors and should be undertaken on a regular basis.

The Meeting closed at 4.40 pm

CHAIR